

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PHILLIP LITCHFIELD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

EXAMSOFT WORLDWIDE, INC.,

Defendant.

Honorable Thomas M. Durkin

Case No. 1:14-cv-5971

JOINT MOTION TO STAY PROCEEDINGS

Plaintiff Phillip Litchfield (“Plaintiff”) and Defendant ExamSoft Worldwide, Inc. (“ExamSoft” or “Defendant”) submit this joint motion to stay proceedings in the above-captioned action pending mediation before Rodney A. Max, of Upchurch Watson White & Max. In support of the motion, the moving parties state as follows:

1. On August 4, 2014, Plaintiff filed his complaint in this action, and five other putative class action complaints have been filed against ExamSoft asserting substantially similar causes of action grounded in substantially similar alleged facts (collectively, the “Related Actions”), and are now pending in various district courts across the country, including one pending before Honorable Judge Edmond E. Chang, *Casner, et al. v. ExamSoft Worldwide, Inc.*, Case No. 1:14-cv-7145.

2. Defendant and Plaintiff in this action, as well as plaintiffs in all of the Related Actions have agreed to engage in a global mediation before Mr. Max in Chicago, Illinois, at a date to be determined, but prior to February 2015.

3. Accordingly, Defendant and Plaintiff jointly seek to stay proceedings in this action until February 13, 2015, and propose that at that time they file a joint status report informing the Court as to the status of their mediation efforts, including whether a resolution has been reached and if the parties believe a scheduling conference should be set.

4. WHEREFORE, to promote judicial economy and efficiency, and to prevent unnecessary litigation and inconsistent results, Plaintiff and Defendant respectfully request that the Court enter an order (i) granting this Motion to Stay, (ii) staying all proceedings in this action until February 13, 2015, pending mediation, (iii) requiring that the parties file a joint status report informing the Court as to the status of their mediation efforts no later than February 13, 2015, and (iv) providing such other and further relief as the Court deems reasonable and just.

Dated: October 15, 2014

Respectfully submitted,

/s/ Benjamin H. Richman

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EXHIBIT A

[PROPOSED] ORDER

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ORDER

The Court having considered the pending Joint Motion to Stay Proceedings; it is hereby ORDERED that the motion is GRANTED in full. The proceedings in this action are hereby stayed until February 13, 2015.

The parties are hereby ORDERED to file a joint status report with the Court no later than February 13, 2015 informing the Court as to the status of their mediation efforts, including whether a resolution has been reached and if the parties believe a scheduling conference should be set.

SO ORDERED:

Dated: this ____ day of _____, 2014

Thomas M. Durkin
United States District Judge

CERTIFICATE OF SERVICE

On October 15, 2014, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all persons registered for ECF. All copies of documents required to be served by Fed. R. Civ. P. 5(a) have been so served.

/s/ Benjamin Sandahl